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MEMORANDUM

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Office of the City Attorney

TO: Mayor and City Commission
FROM: City Attorney
SUBJECT: Ordinance No. 0-06-16; Petition 107TCH-05 PB

DATE: August 14, 2006
CITY ATTORNEY
FIRST READING

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to development review plans; amending section 30-23; adding a definition for developed industrial area; amending section 30-159; creating a new level of review for minor plans before the development review board; amending paragraph 30-350(b)(3); amending the neighborhood meeting requirements, adding an architectural/design consultant procedure for development located in community redevelopment districts and special Area Plan districts; amending paragraph 30-351(d)(1); providing for notice of development plan review for certain minor development plans; amending paragraph 30-352(b)(1); revising the background and professional requirements of the persons who may serve as development review board members; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a schedule for implementation; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The Economic Development/University Community Committee (EDUCC) recommended that the development review process be restructured. The Committee recommended that thresholds be raised, so that projects of considerably larger size could be reviewed and approved administratively by staff. Only projects of 20 houses or more, 50 multi-family dwelling units or more, 10,000 square feet or more of commercial development or five acres or more of industrial area would go to the Development Review Board for discussion and hearings. The Community Development Committee also considered the proposed changes and recommended smaller adjustments to the thresholds.


The City Commission initiated the petition, and the Plan Board heard the petition and took citizen comment. The Board recommended favorably on all the proposed changes, except recommending that the present process for neighborhood meetings only be changed to incorporate the meeting as proposed at the Florida Community Design Center for projects in the redevelopment and special districts, and otherwise retain the neighborhood meetings as currently required.


This petition implements the recommendations of the Economic Development/University Community Committee (EDUCC) to the City Commission and the subsequent direction of the City Commission and recommends a rule change to the Development Review Board to create a consent agenda procedure. Staff recommends the City Commission consider adopting a threshold of 25 multi-family units, rather than the 50-unit threshold.

CITY ATTORNEY MEMORANDUM

The City Commission approved Petition 107TCH-05 PB, with conditions, on November 14, 2005. This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, August 28, 2006. The ordinance, if adopted, will not apply or affect any application for development permit that was properly filed with the City on or before 5:00 p.m. on Thursday, August 31, 2006.

Fiscal Note: None

Prepared by: 
Natalie D. McKellips
Assistant City Attorney

Approved and
Submitted by: 
Marion J. Radson,
City Attorney

MJR:NDM:sw

ORDINANCE NO. 0-06-16

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An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to development review plans; amending section 30-23; adding a definition for developed industrial area; amending section 30-159; creating a new level of review for minor plans before the development review board; amending paragraph 30-350(b)(3); amending the neighborhood meeting requirements, adding an architectural/design consultant procedure for development located in community redevelopment districts and special Area Plan districts; amending paragraph 30-351(d)(1); providing for notice of development plan review for certain minor development plans; amending paragraph 30-352(b)(1); revising the background and professional requirements of the persons who may serve as development review board members; providing directions to the codifier; providing a severability clause; providing a repealing clause; providing a schedule for implementation; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on July 21, 2005; and

WHEREAS, the City Commission heard and approved this petition on November 14, 2005; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

1 WHEREAS, the Public Hearings were held pursuant to the published notice
2 described at which hearings the parties in interest and all others had an opportunity to be
3 and were, in fact, heard.

4 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
5 OF THE CITY OF GAINESVILLE, FLORIDA:

6 Section 1. Section 30-23, City of Gainesville Land Development Code, is
7 amended to create and add the following definition to read as follows:

8 Developed industrial area includes area under a roof and/or any outside area used for
9 material storage or equipment or industrial activity.

10 Section 2. Section 30-159, City of Gainesville Land Development Code, is
11 amended to read as follows:

12 Sec. 30-159. *Criteria for determining level of review.* Criteria for determining the level
13 of review are as follows:

Rapid Review	Minor Review	<u>Minor Review II</u>	Intermediate Review	Major Review
Resurfacing of existing impervious area which does not include new or additional spaces, layout modification and/or landscaping modifications.	Up to 15 new parking spaces (500 square feet each) or construction, reconfiguration or redesign of existing parking or equivalent paved area <u>not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.</u>		16--100 new parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area <u>not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.</u>	Over 100 parking spaces (500 square feet each) or reconstruction, reconfiguration or redesign of existing parking or equivalent paved area <u>not accessory to expansion of the number of multi-family units, or the floor area of office, commercial, public service, or industrial uses.</u>

<p>Expansion or redesigns of existing developments which will create up to 500 square feet of floor area, when submitted through the Building Division for a building permit. These may include decks, porches, patios, courts, pole barns and similar accessory structures with usable floor area.</p>	<p>New construction, expansions or redesigns of existing office, <u>commercial or public service</u> development that will create up to 2,500 square feet of floor area and its required parking. Porches, pole barns, and canopies up to 2,500 square feet of building area. Any deck, patio, court and similar unenclosed or pervious structure.</p>	<p><u>New construction, expansions or redesigns of existing office, commercial or public service development that will create from 2,500 to 10,000 square feet of floor area and its required parking.</u></p>	<p>New construction or expansion of existing office, <u>commercial or public service</u> development that will create from 10,001 <u>2,501</u> to 50,000 square feet of additional floor area and its required parking.</p>	<p>New construction or expansion of existing developments of over 50,001 square feet of additional floor area and its required parking.</p>
<p>Developments of 500 square feet or less, of floor area, which involve no stormwater issues and no additional parking, when submitted through the Building Division for a building permit.</p>	<p>Developments located in the Agricultural, Industrial or Warehousing Zoning Districts which have no common boundary with properties zoned Residential or Office, providing the proposed development contains only a roof and support structures with 50% or less of the total sides enclosed or <u>industrial development up to 2,500 square feet area of developed industrial area.</u></p>	<p><u>Industrial development greater than 2,500 square feet of developed industrial area and located on 5 or fewer acres.</u></p>	<p><u>Industrial development greater than 2,500 square feet of developed industrial area and located on greater than 5 acres.</u></p>	
<p>Drawings submitted to verify site conditions for issuing a Zoning Compliance Permit</p>	<p>New construction or additions of 3 to 5 dwelling units</p>	<p><u>Developments of 6 to 25 dwelling units.</u></p>	<p>Developments of 6 to 50 <u>26 to 99</u> dwelling units.</p>	<p>Developments of <u>100 over 50</u> dwelling units or <u>more.</u></p>
<p>Field changes or modifications to active development where the changes do not trigger higher level thresholds, which does not alter stormwater, traffic, and fire safety or utility requirements.</p>	<p>A change in the location and type of landscape materials, except a change in the location of buffers that exceeds the rapid review thresholds.</p>		<p>Changes in the location of buffers, affecting any plan that was approved by the Development Review Board.</p>	

Minor structural, material, or dimensional changes that do not affect the site layout or any specific provision of a prior approval, as determined by the Development Review Coordinator.	Shifts in the location of buildings, structures, parking bays, utility tie- ins and dumpsters where the city manager or designee has determined that the shifts do not substantially alter the approved plan or conflict with buffering requirements.
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1 Residential development shall be reviewed on the basis of the number of dwelling units,
 2 unless the proposed development involves only an expansion of floor area of existing
 3 multifamily development (three or more dwelling units).

4 **Section 3.** Paragraph (3) of subsection (b) of Section 30-350, City of Gainesville
 5 Land Development Code, is amended to read as follows:

6 **Section 30-350. Citizen Participation.**

7 (b) *Procedures for facilitating citizen participation.*

8
 9 (3) The applicant must provide the opportunity for ~~conduct~~ a workshop to
 10 inform neighboring property owners of the proposed application. The workshop must be
 11 held in a location accessible to the public. The applicant must provide notification by
 12 mail to all owners of property located within 400 feet of the subject property and to all
 13 neighborhood associations registered with the city.
 14 If the proposed development is located in a community redevelopment district or in a
 15 special area plan district, there shall be a neighborhood workshop and it shall be held at a
 16 location designated by the City. Staff shall provide a regular meeting schedule for
 17 neighborhood workshops at the workshop location and shall assist developers in
 18 scheduling their proposal on the agenda. These meetings may occur anytime after 5 p.m.

1 but no later than 10 p.m. A landscape architect or architect, designated by the City
2 Manager, shall take neighborhood comment and offer design review of the proposal.

3 The city manager or designee shall provide mailing labels to the applicant. The applicant
4 must mail these notices with proper postage at least 14 days before the workshop. The
5 applicant must also advertise the workshop in a newspaper of general circulation at least
6 14 days before the workshop. ~~The city manager or designee will develop the~~
7 ~~specifications for this advertisement.~~

8 **Section 4.** Paragraph (1) of subsection (d) of section 30-351, City of Gainesville
9 Land Development Code is amended to read as follows:

10 (d) *Notice of development plan review.*

11 (1) Notice of development plan review shall include:

12 a. Concept review;

13 b. Preliminary plan and final review for intermediate and major development plans;

14 c. Minor Review II development plans.

15 **Section 5.** Paragraph (1) of subsection (b) of section 30-352, City of Gainesville
16 Land Development Code, is amended to read as follows:

17 **Section 30-352. *Development review board.***

18 (b) *Membership.*

19 (1) The board shall have seven members appointed by the city commission.

20 Any interested citizen may be appointed to the board, but special
21 consideration shall be given to, ~~whenever possible, the board should~~
22 ~~include at least one from each of the following:~~

23 a. An architect or landscape architect.

- 1 b. A civil engineer.
- 2 c. A person engaged in real estate sales or development.
- 3 d. A professional with experience in natural or environmental sciences.
- 4 e. An urban planner; and
- 5 f. A citizen at large.

6 **Section 6.** It is the intention of the City Commission that the provisions of
7 Sections 1 through 5 of this ordinance shall become and be made a part of the Code of
8 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of
9 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

10 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be
11 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
12 in no way affect the validity of the remaining portions of this ordinance.

13 **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the
14 extent of such conflict hereby repealed.

15 **Section 9.** This ordinance is not intended to affect either the processing of any
16 application for development permit or the issuance of development orders on any
17 development for which an application for development permit was properly filed with the
18 City of Gainesville on or before 5:00 p.m. on Thursday, August 31, 2006.

19 **Section 10.** This ordinance shall become effective immediately upon final
20 adoption.

DRAFT

7-13-06

1 PASSED AND ADOPTED this ____ day of _____, 2006.

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4 ATTEST:

PEGEEN HANRAHAN, MAYOR

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Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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11 This Ordinance passed on first reading this ____ day of _____, 2006.

12 This Ordinance passed on second reading this ____ day of _____, 2006.

